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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,546	08/13/2001	Neil H. Bander	266/186	3868
26161 759	05/18/2004		EXAMINER	
FISH & RICHARDSON PC			NICKOL, GARY B	
225 FRANKLIN ST BOSTON, MA 02110			ART UNIT	PAPER NUMBER
,			1642	-
			DATE MAILED: 05/18/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/929,546	BANDER, NEIL H.			
Office Action Summary	Examiner	Art Unit			
	Gary B. Nickol Ph.D.	1642			
The MAILING DATE of this communication Period for Reply	appears on the cover sheet with	the correspondence address			
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by state of the period for reply will be period f	N. R 1.136(a). In no event, however, may a reply reply within the statutory minimum of thirty (3 riod will apply and will expire SIX (6) MONTH atute, cause the application to become ABAN	y be timely filed 30) days will be considered timely. S from the mailing date of this communication. IDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 0	1 March 2004.				
1 <u> </u>					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.				
Disposition of Claims					
4) ☐ Claim(s) 58-73 and 84-113 is/are pending is 4a) Of the above claim(s) is/are without 5) ☐ Claim(s) 58-69 is/are allowed. 6) ☐ Claim(s) 70-73 and 84-113 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and	drawn from consideration.				
Application Papers	•				
9) The specification is objected to by the Exam 10) The drawing(s) filed on is/are: a) a Applicant may not request that any objection to the Replacement drawing sheet(s) including the cor 11) The oath or declaration is objected to by the	accepted or b) objected to by the drawing(s) be held in abeyance rection is required if the drawing(s)	. See 37 CFR 1.85(a). is objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bur * See the attached detailed Office action for a	ents have been received. ents have been received in App priority documents have been re reau (PCT Rule 17.2(a)).	lication No ceived in this National Stage			
Attachment(s)					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date 		nmary (PTO-413) fail Date mal Patent Application (PTO-152)			

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Re: Bander, N.

Date of Priority: 05/06/1996

Application/Control Number: 09/929,546

Response to Amendment

The Amendment filed March 1, 2004 in response to the Office Action of 08-26-03 is acknowledged and has been entered.

Claims 58-73, 84-113 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

New Rejections:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 70-73, 84-113 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The written description in this case only sets forth methods encompassing an antibody or antigen binding portion thereof which binds to the extracellular domain of prostate specific membrane antigen (PSMA), or monoclonal antibodies selected from the group consisting of an E99, a J415, a J533, and a J591. Thus, the written description is not commensurate in scope with the claims drawn to an antibody or antigen binding portion thereof which binds to an epitope of PSMA which is also recognized by a monoclonal antibody selected from the group consisting of an E99, a J415, a J533, and a J591 monoclonal antibody or wherein the antibody or antigen binding portion thereof competes for binding to prostate specific membrane antigen with a monoclonal antibody selected from the group consisting of an E99, a J415, a J533 and a J591 monoclonal antibody. The newly added claims have no clear support in the specification and the claims as originally filed. Hence, this is a new matter rejection. Although the PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims, when filing an amendment an applicant should show support in the original disclosure for new or amended claims. See MPEP § 714.02 and § 2163.06 ("Applicant should specifically point out the support for any amendments made to the disclosure.").

All other rejections and or objections are withdrawn in view of applicant's arguments and declarations as presented.

Claims 58-69 appear to be allowable.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary B. Nickol Ph.D. whose telephone number is 571-272-0835. The examiner can normally be reached on M-Th, 8:30-5:30; alternate Fri., 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary B. Nickol Ph.D. Primary Examiner Art Unit 1642

May 13, 2004

GARY NICKOL
PRIMARY EXAMINER